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*Attorneys for UNITE HERE LOCAL 19*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
(San Jose Division)**

IAN MCCRAY, an individual, on behalf of  
himself, and on behalf of all other persons  
similarly situated,

Plaintiffs,

v.

UNITE HERE LOCAL 19,

Defendants.

) Case No: 5:16-cv-01233 – BLF

) **STIPULATION AND [proposed] ORDER**  
) **CONTINUING HEARING ON**  
) **DEFENDANT UNITE HERE LOCAL**  
) **19's MOTION TO DISMISS**

) **[Civil L.R. 6-1(a), Civil L.R. 7-7(b)(1)]**

) Date: Thursday, August 18, 2016

) Time: 9:00 a.m.

) Court: Courtroom 3–5th Floor

) Assigned to: Hon. Beth Labson Freeman

) Complaint Filed: March 11, 2016

Plaintiff Ian McCray and Defendant UNITE HERE Local 19 hereby stipulate and request that the Court continue the hearing on Defendant Local 19's Motion to Dismiss (Doc. 7) from Thursday, August 11, 2016 to Thursday, August 18, 2016 at 9:00 a.m. in Courtroom 3, 5th Floor, 80 South 1st Street, San Jose, California.

1 Defendant Local 19 filed its Motion to Dismiss on April 8, 2016 (Doc. 7). The case was  
 2 reassigned to Judge Freeman on April 11, 2016 (Doc. 11), and after reassignment, the Court re-  
 3 set the hearing date on Defendant Local 19's Motion to Dismiss to August 11, 2016 (Doc. 15).  
 4 On April 26, 2016, Plaintiff McCray filed an opposition to the Motion to Dismiss (Doc. 16);  
 5 Local 19 filed a reply to the opposition on May 3, 2016 (Doc. 19).

6 The parties have stipulated to continue the hearing date from Thursday, August 11, 2016  
 7 to Thursday, August 18, 2016 because the undersigned counsel for Defendant Local 19 has a  
 8 pre-planned family vacation scheduled for August 1 to August 14, 2016. The parties have not  
 9 previously stipulated to continue the hearing date on this motion.

10 The parties understand that all other dates set in the scheduling order for this case will  
 11 remain as previously scheduled and are not affected by this stipulation.

12  
 13 Dated: May 24, 2016

Respectfully Submitted,

14 DAVIS, COWELL & BOWE, LLP

15 *I attest that concurrence in the filing of this*  
 16 *document has been given by each of the other*  
 17 *signatories indicated by a /s/.*

18  
 19 By: /s/ Paul L. More  
 20 Paul L. More

21 Attorneys for Defendant  
 22 *UNITE HERE LOCAL 19*

23 Dated: May 24, 2016

Respectfully submitted,

24 PAGANO & KASS, APC

25  
 26 By: /s/ James L. Pagano  
 27 James L. Pagano

28 Attorneys for Plaintiff IAN McCRAY

~~[proposed]~~ ORDER

PURSUANT TO STIPULATION OF THE PARTIES, IT IS HEREBY ORDERED that the hearing on Defendant UNITE HERE Local 19's Motion to Dismiss (Doc. 7) is continued from Thursday, August 11, 2016 to Thursday, August 18, 2016 at 9:00 a.m. in Courtroom 3, 5th Floor, 80 South 1st Street, San Jose, California.

Dated: May 25, 2016

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Hon. Beth Labson Freeman

UNITED STATES DISTRICT JUDGE